



CHAIRMAN  
COLUMBIA ACCIDENT INVESTIGATION BOARD  
2900 SOUTH QUINCY STREET, ARLINGTON, VA 22206

Ser CAIB/243

12 Jun 03

Dear Mr. Chairman and Ranking Member:

The Columbia Accident Investigation Board (CAIB) recognizes and fully appreciates the proper and important oversight role of your committee. To this end, we desire to fully cooperate with your committee and provide you with all relevant information and data gathered by our investigation. This includes access by your committee to privileged witness statements obtained by the CAIB.

As you are aware, long-standing NASA guidance and procedures provide for the granting of privileged status to the statements of all witnesses who provide critical facts and opinions on the mishap sequence and possible causes to our safety investigators. In order to elicit full, frank, and timely information from these witnesses, a promise is given to each that their voluntary, unsworn statements will be kept confidential and privileged and not released to the public. To honor this promise, their statements will not be included in the final CAIB Report. If any type of public release of these statements is made a chilling effect on future accident investigation witnesses will certainly occur. This would result in a loss of potentially critical information from key witnesses, leading to a significant deterioration of the viability of the overall mishap prevention program.

The use of privileged witness statements has been a long-standing hallmark of the Department of Defense's safety mishap prevention program as well, and has been effectively used by the military services for many decades in their safety investigations. The federal courts, to include the U.S. Supreme Court, have recognized this unique investigative tool and have consistently declined to order release of any privileged safety information or data to the public, based primarily on the need of the Department of Defense to maintain our national security.

While NASA's mission and programs are not directly related to maintaining our nation's security, it is unquestioned that our space exploration programs and scientific studies in outer space involve significant national assets that must be protected at all costs. It is clear that our objectives are quite similar to those of the military services - obtaining full, frank, and timely information from witnesses to quickly assess the ongoing status and operability of our space assets and resources, and prevent future loss of life.

In order to balance your congressional oversight responsibilities with the need to continue to protect from public release the privileged witness statements, we offer the following agreement. The same agreement has been offered to the Senate Committee on Commerce, Science, and Technology.

The entire Columbia Accident Investigation Board (CAIB) database files, with the exception of statements by witnesses to whom the CAIB has extended assurances of confidentiality and privilege, are available without restriction to all Committee Members and properly cleared staff of the House Committee on Science or its Members. At the written request of the Chairman or Ranking Minority Member of the House Committee on Science, the CAIB will provide the Chairman or Ranking Minority Member full access to all unredacted confidential witness statements. The Committee Chairman or Ranking Minority Member may grant access to additional Members of the Committee. Further, the Committee Chairman and Ranking Minority Member may each designate up to four Committee professional staff members, to include the majority and minority Committee staff directors, to have full and repeated access to this material. The CAIB agrees to deliver for review to the Chairman, Ranking Minority Member, or any designated Committee Member, upon their request, a printed copy of any confidential witness statement. Such copy will be hand carried to the Committee Member by a CAIB Board member or representative, who will remain with the document until the review is completed, and then return the document to the CAIB. All other printed copies of confidential witness statements will remain at the CAIB facility. No recordings of confidential witness statements will be made. There will be no public release of any part of a confidential witness statement that would reveal the witness' identity. While reviewing the material, Committee Members and professional staff members may make hand-written notes without limitation, while acknowledging that such notes taken are not releasable to persons not authorized under this agreement. Review of documents at the CAIB facility will be in accordance with procedures established by the CAIB. This agreement neither constitutes a waiver of the

inherent investigative or legislative prerogatives of the Committee or its Members, nor does it waive the Board's continuing obligation to protect its privileged witness statements from public release.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. W. Gehman". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

H. W. GEHMAN  
Admiral, U.S. Navy (Retired)  
Chairman  
Columbia Accident Investigation Board

The Honorable Sherwood L. Boehlert  
Chairman  
The Honorable Ralph M. Hall  
Ranking Minority Member  
House Committee on Science  
U.S. House of Representatives  
Washington, D.C. 20515